

One of the key findings of FCC v. Pacifica was that "The prohibition against censorship unequivocally denies the Commission any power to edit proposed broadcasts in advance..." This is quite interesting, in the context of this proposal, seeing as that requiring something to be present in the content of the broadcast could easily be construed as editing in advance. As such, a mandatory broadcast flag is censorship, whether or not broadcasting companies are for or against it. The censorship that would occur as a result of this rule is equivalent to the denial of (dwindling) fair use still guaranteed to the consumer through current copyright legislation. Because this is a technical issue, as well, the censorship would extend to not only content, but also to delivery media. Enacting this rule is best personified in the following imperative: "You will watch only approved content, and only on approved devices." That is a very, very troubling statement, indeed.

Curiously, I see no opposition on the side of the broadcast companies, the television studios, the Screen Actors Guild, media conglomerates, or other interested parties. Would it not be better, then, to allow our market economy to decide this issue? After all, these groups are the sole beneficiaries of such an action. They should be required to bear the brunt of the implementation cost; it is their profits that are guaranteed under the proposed rule.

As a consumer, I guarantee that I will not participate in any such regulation. If that means no television in my house, so be it. I happily do without subscription-based content, such as cable or satellite television. The two or three broadcast shows worthy of my time are reaching the end of their entertainment life, and, quite frankly, I have better things to do than watching television: fighting bad law and poor regulation, for instance.